

## **REMARKS**

After entry of the present amendment, claims 1, 3, 4, 6-9, and 12-17 will be pending. The specification has been amended to insert reference to U.S. 5,310,743, the U.S. counterpart to EP-0,532,456. The specification has also been amended to add pages 10-16 of WO 97/16440-A1 in order to address the Office's objection to the specification. Claims 1, 9, 12, 15, and 16 have been amended to even more particularly describe the recited inventions and to obviate objections by the Office. The definition of Ar<sup>2</sup> no longer recites "naphthalenyl," so correction of that spelling is not required. Claims 2, 5, and 10 have been canceled. No new matter has been added.

### **Objection to the Specification**

The Office has asserted that incorporation by reference of the text of WO 97/16440 at page 27, lines 7-10 of the as-filed specification is allegedly improper because the referenced material comprises "essential" material. In order to overcome the rejection, the specification has been amended to incorporate the referenced information. The material inserted is the material previously incorporated by reference and thus the amendment contains no new matter. Reconsideration and withdrawal of the objection is requested.

### **Rejections under 35 U.S.C. § 112, second paragraph**

Claims 9, 10, 12, and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. While the Applicants do not necessarily agree, the claims have been amended in an effort to further the present case to allowance. Claim 9 has been amended to recite the names of the compounds previously referred to as compounds 2-22, respectively, in Table 1. The rejection is considered moot.

The rejection of claim 10 is mooted by its cancellation. Claim 12 has been amended to recite a method for treating a patient using the compounds of claim 1, rather than a "use" of the compounds of claim 1. The rejection of claim 12 under 35 U.S.C. § 112, as well as 35 U.S.C. § 101, is considered moot.

Claims 15 and 16 have been amended to correct the typographical errors in the placement of the period. These claims have also been amended to expressly set forth the

variables  $R^2$ , X, Q,  $R^1$ , m, n, p, and q, rather than referencing their limitations *via* claim 1. The objection to claims 15, 16, as well as dependent claim 17, are deemed moot.

**Rejections under 35 U.S.C. § 112, first paragraph**

The claims stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly non-enabling. The Applicants disagree and assert that one skilled in the art would be able to practice the full scope of the invention without undue experimentation. Nevertheless, in order to advance the present case to allowance, claim 1 has been amended to incorporate the limitations of claim 2, which have been identified by the examiner as enabled. The Applicants reserve the right to prosecute the full scope of the canceled subject matter in continuing or divisional applications. In light of the amendment, reconsideration and withdrawal of the rejection is requested.

The claims also stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly non-enabled because the specification incorporates by reference “essential” material. In light of the present amendments to the specification, the Applicants request reconsideration and withdrawal of the rejection.

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The Applicants assert that the foregoing constitutes a full and complete response to the pending Action and that the claims are now in condition for allowance. An early notice to that effect is, therefore, earnestly solicited.

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